

*The undersigned hereby certifies that this is a true and correct copy of this petition and to the information of the undersigned, the records of this court's records of petitions in the records.*

**FORM TO BE USED BY FEDERAL PRISONERS FOR FILING A PETITION FOR WRIT OF HABEAS CORPUS UNDER TITLE 28 U.S.C. § 2241**

IN THE UNITED STATES DISTRICT COURT

FOR THE *Massachusetts, Boston Division*

**04-40171-2**

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Petitioner

*Reg. No. 47-11-080*  
*E.M.C. Devens, P.O. Box 879*  
*Ayer, Ma. 01432*  
(Full name under which you were convicted;  
Prison Number; Full Mailing Address).

*18 U.S.C. 1201 as may  
be applied relating Hereto  
against Gov. Employees. For  
Kidnaping Petition By Judicial  
Process and Relating Thereto.*

VS.

CIVIL ACTION NO. \_\_\_\_\_

*David L. Winn - Warden*  
Respondent(s)  
*Federal Medical Center Devens*  
*Post Office Box 880*  
*Ayer, Massachusetts 01432*  
(Name of Warden or other authorized person  
having custody of Petitioner).

*Appoint Counsel Hereto, And  
Conduct Incourt Evidentiary  
Hearings.  
Subpoena Criminal Attorneys of  
Petitioners Federal Court Cases.*

**PLEASE COMPLETE THE FOLLOWING. READ THE ENTIRE PETITION BEFORE FILLING IT OUT. ANSWER THOSE QUESTIONS WHICH PERTAIN TO YOUR TYPE OF CLAIM.**

1. This petition concerns: (check appropriate blank)

- ☒ A conviction
- ☒ A sentence (**CAUTION:** If you are attacking a sentence imposed under a Federal Judgment, you must file a direct motion under 28 U.S.C. § 2255 in the Federal Court which entered the Judgment).
- ☐ Jail or prison conditions
- ☐ Prison discipline issue
- ☐ A parole problem
- ☐ Other. State briefly: \_\_\_\_\_

2. Place of detention: *N-2 - Federal Medical Center Devens, 42 Patton Road,  
Post office Box 879, Ayer - Massachusetts, 01432*

**HAVE YOU FILED PREVIOUS PETITIONS FOR HABEAS CORPUS MOTION UNDER TITLE 28 U.S.C. § 2255, OR ANY APPLICATIONS, PETITIONS OR MOTIONS WITH RESPECT TO THIS CONVICTION?**

YES Yes \_\_\_\_\_ No

3. If your answer is "yes," give the following information:

28 U.S.C. 2255 in U.S.D.C. in Texas

a. Name of the Court: U.S.D.C., Massachusetts, Boston Division

b. Nature of proceeding: Two Petitions For Writ of Habeas Corpus

c. Grounds raised: N/A - See Court Records

d. Result: N/A - See Court Records

e. Date of result: N/A - See Court Records

f. Citation or number of any written opinion or order entered pursuant to each such disposition: N/A - See Court Records

4. If you did not file a motion under section 2255 of Title 28 U.S.C., or if you filed a motion and it was denied, state why your remedy by way of such motion is inadequate or ineffective to test the legality of your detention:

5. Does counsel presently represent you? \_\_\_\_\_ Yes NO No

If so, Name address and phone number of counsel: \_\_\_\_\_

6. Name and location of court, which imposed sentence: \_\_\_\_\_

7. Indictment or case number, if known: N/A - See Court Records
8. Offense or Offenses for which sentence was imposed: N/A - See Court Records
9. Date upon which sentence was imposed and the term of the sentence: N/A - See Court Records
10. When was a finding of guilt made? (Check one)  
☒ After a plea of guilty  
☐ After a plea of not guilty  
☐ After a plea of Nolo Contendre
11. If you were found guilty after a plea of not guilty, was that finding made by:  
☐ A jury  
☐ A judge without a jury
12. Did you appeal the judgment of the conviction or the imposition of a sentence? ☐ Yes ☒ No
13. If you did appeal, give the following information for each appeal:
- a. Name of court: \_\_\_\_\_
- b. Result: \_\_\_\_\_
- c. Date of result: \_\_\_\_\_
- d. Citation or number of opinion: \_\_\_\_\_
- e. Grounds raised: (List each one)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTE: If you appealed more than once, attach an additional sheet of paper the same size, give all the information requested above in question number 13, a through e. DO NOT WRITE ON BACK OF PAGE.**

14. Summarize briefly the facts supporting each ground. If necessary attach a single page behind this page.

**CAUTION:** If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

a. Ground one: Each Ground Prior Presented To The Federal Courts Relating To Petitioner's Criminal Case (Federal Case)

Supporting Facts: (Tell your story BRIEFLY without citing cases or law. You are CAUTIONED that you must state facts not conclusions, in support of your grounds. E.g., who did exactly what to violate your rights at what time or place).

The complete Federal Court and Other Records, To Exclude all institutional Records, Relating To Petitioner, as close as may apply to the aforesaid grounds, to exclude all appeal records etc..

b. Ground Two:

Right Of And To Appeals Violated in that as appeals of Court Records

Supporting Facts: The district court allowed petitioner to proceed in forma pauperis on appeal as to the Habeas Corpus petition and denied leave to proceed in forma pauperis as to the other petition for writ of habeas corpus. And the court denied Motion for Appointment of Counsel for the appeal and Petitioner could not write and file a brief.

Ground Three:

All Grounds Joseph Marion Head Junior 17549-056, filed in cases, That could be applied to petitioner's cases. <sup>His</sup>

Supporting Facts: See all prison and court records and etc. records, relating to Head's state and federal court cases and apply same to petitioner's court cases, if same applies and if same can be applied to the petitioner's court cases etc. relating thereto.

15. If this petition concerns jail or prison conditions, prison discipline, a parole problem or other cause under 28 U.S.C. § 2241, answer the following:

a. Did you present the facts in relation to your present complaint in the internal prison grievance procedure?

\_\_\_\_\_ Yes \_\_\_\_\_ No

(1) If your answer to “a” above is yes, what was the result? \_\_\_\_\_

(2) If your answer to "a" above is no, explain: \_\_\_\_\_

b. Did you present your claim to the Bureau of Prisons or other federal agency for administrative action?

\_\_\_\_\_ Yes \_\_\_\_\_ No

(1) If your answer is "yes," state the date such claim was submitted and what action, if any has been taken:

(2) If your claim has not been acted on, attach copies of any correspondence you have received from the Bureau of Prisons or other federal agency concerning you.

c. **STATEMENT OF CLAIM:** State here as briefly as possible the facts of your case. DO NOT give any legal arguments or cite any cases or any statutes. Attach extra pages of the same size to this page if more room is necessary. DO NOT write on the reverse side of this page.

**16. RELIEF:** state briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

*The Maximum Authorized Relief To include Compensation and Judicial Protection against Acts, etc. that violates, violated fundamental rights and Human Rights Protected By The Laws and Constitutions and the American Convention on Human Rights.*

Signed on this the 23 day of Aug., 2004.

*[Signature]*  
Signature of petitioner

**I DECLARE (OR CERTIFY, VERIFY OR STATE) THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE OR INFORMATION AND BELIEF AND THAT ANY FALSE STATEMENTS MADE THEREIN ARE MADE SUBJECT TO THE PENALTIES OF APPLICABLE LAWS RELATING TO UNSWORN FALSIFICATIONS TO AUTHORITIES.**

Executed on: 8-23-, 2004.

*[Signature]*  
Signature of petitioner